

ENTERED

June 17, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KEVIN PAUL CARTER,

§

§

Petitioner,

§

VS.

§

CIVIL ACTION NO. 2:21-CV-119

§

BOBBY LUMPKIN,

§

§

Respondent.

§

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on June 14, 2021, by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas, which is located in Bee County. (D.E. 1). In his complaint, Petitioner challenges his 2017 Victoria County conviction and sentence. (D.E. 1, Page 2).

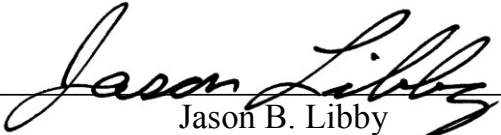
A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Bee County which is located in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in Victoria County in the Victoria Division of the Southern District of Texas. 28 U.S.C. § 124(b)(5).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be

transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because Petitioner was convicted in Victoria County, it is more convenient and would further the interests of justice for this action to be handled in the Victoria Division of the Southern District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Victoria Division of the Southern District of Texas.

Accordingly, it is **ORDERED** that this case be transferred to the United States District Court for the Southern District of Texas, Victoria Division. All pending motions are **DENIED as moot** subject to re-filing after transfer. The Clerk of Court is **DIRECTED** to close this case.

ORDERED this 17th day of June, 2021.


Jason B. Libby
United States Magistrate Judge